

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

BROTHERS AND SISTERS IN CHRIST, LLC, )  
  )  
Plaintiff,                                  )  
  )  
v.    )  
  )  
ZAZZLE INC.,                                 ) CASE NO.: 4:20-cv-00280-NAB  
  )  
Defendant.                                    )  
  )  
  )  
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  )  
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**DECLARATION OF JENNIFER MCNULTY-SQUIERS IN SUPPORT OF  
DEFENDANT ZAZZLE INC.'S MOTION TO DISMISS**

I, Jennifer Ashlen McNulty-Squiers, declare as follows:

1. I am a Director of Customer Care at Zazzle Inc., a title which I have held for two years and nine months. My responsibilities include managing our global Customer Care Team. In total, I have been employed at Zazzle for 11 years. I have personal knowledge of Zazzle's business, including knowledge of Zazzle's sales and operations.

2. I make this declaration in support of Zazzle's Motion to Dismiss. If called as a witness, I can and will testify competently to the matters set forth herein. This declaration is based on my own personal knowledge.

3. Zazzle owns the website zazzle.com, which allows third-party users, through an automated computer service, to create, buy, and sell customized merchandise online using Zazzle's proprietary e-commerce services. It is a national website, equally accessible to those inside and outside of the state of Missouri.

4. Products created by these users remain “virtual” in online seller stores until ordered by the user or a customer, at which point they are manufactured and shipped.

5. To use the website, Zazzle's users warrant that they are the creators and owners of the content they upload to Zazzle's website (or have the lawful right to do so) and are ultimately responsible for the use of that content and the products they submit. Zazzle provides information about intellectual property and guidelines for its users to prevent infringing material from being uploaded. Upon proper notification about possible infringement, Zazzle will promptly investigate, respond, and act to prevent infringing activity.

6. In July 2019, Brothers and Sisters in Christ, LLC, sent Zazzle a cease and desist letter. After investigating, Zazzle located and removed 28 allegedly infringing products and deactivated seller stores that offered the allegedly infringing products.

7. I have reviewed Zazzle's records and confirmed that there has only been a single sale of one of the allegedly infringing products. That sale was of a t-shirt. It was sold on November 28, 2019, to Jackie Frerichs, residing in Clayton, Missouri. Zazzle was able to remove the products in question before any other sales were made.

8. I declare under penalty of perjury that the foregoing is true and correct.

15                            2020  
Executed this \_\_\_\_th of April 2020, in \_\_\_\_\_.

Jennifer McNulty-Squires

## Jennifer Ashlen McNulty-Squiers

**CERTIFICATE OF SERVICE BY E-FILING**

I hereby certify that on April 16, 2020, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Robert Schultz #35329  
SCHULTZ & ASSOCIATES, LLP  
640 Cepi Drive  
Chesterfield, MO 63005  
Telephone: (636) 537-4645  
Facsimile: (636) 537-2599  
Email: rschultz@sl-laywers.com

*Attorneys for Plaintiff Brothers and Sisters in Christ, LLC*

Dated this 16th the day of April 2020 in Palo Alto, California.

/s/ Jamie Y. Otto  
Jamie Y. Otto